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REMARKS

Claims 1-17 are currently pending in the application. By this amendment, claims 16 and 17 were amended. The above amendments do not add new matter to the application and are fully supported by the specification. For example, support for the amendment to claim 16 and 17 are provided in Figure 1, and on pages 5-6 of the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Entry of this amendment is proper in that it does not add any matter that would require further search and/or consideration. The amendments made herein are for form only and are not to overcome any prior art rejections. The amendments place the application in better form for appeal, if necessary.

Objection to Drawings

The drawings were objected for as failing to comply with 37 CFR 1.84(p)(4). Applicants note that reference numeral 110 only refers to a single mechanism. Accordingly, Figures 2-6 has been amended to include reference character number "110." No other elements have been defined with reference character number "110."

Applicants submit that the drawings as amended comply with 37 CFR 1.84(p)(4). Applicants thus request withdrawal of the objection.

35 U.S.C. §112 Rejection

Claims 16 and 17 were rejected under 35 U.S.C. §112, 2nd paragraph. This rejection is respectfully traversed.

While Applicants disagree that the identified claims are unclear, in order to expedite prosecution of the present invention, Applicants have amended claims 16 and 17 to even more clearly define the instant invention. Thus, the instant rejection is moot in view of Applicants' amendment.

Further, Applicants respectfully note claims 16 and 17 are clear and definite, and recite the subject matter that the inventors regard as their invention, i.e., the cutting occurs

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after a last package to be placed in the tray. Applicants submit, as to claim 16, that either a single product or adjacent packaged sequenced product can be wrapped, depending on the product injected onto the packaging device. Therefore claim 16, which recites that the product can be wrapped is clear and definite, and provides the flexibility to wrap any number of product, and when appropriate, cut the wrap.

Applicants assert that the 35 U.S.C. §112, 2nd paragraph rejection of claims 16 and 17 have been overcome and request withdrawal of the same.

35 U.S.C. §103 Rejection

Claims 1-17 were rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Pat. No. 4,617,784 issued to Golicz et al. (hereinafter "GOLICZ") in view of U. S. Patent No. 5,588,285 issued to Odenthal (hereinafter "ODENTHAL"). This rejection is respectfully traversed.

The Examiner asserts that GOLICZ shows all the features of the invention including extending fingers adjacent to and not distant from the output end of the packaging device at the end of the frame, as well as a conveying system via 32 downstream from the clamping device. However, the Examiner acknowledges GOLICZ does not show a conveying system that moves a drop off tray incrementally, such that the drop off tray is in a position to stack multiple packaged sequenced products of the plurality of sequenced products as the drop off tray is moved, but asserts it would have been obvious to include such a system, as disclosed by ODENTHAL. Applicants respectfully disagree with the Examiner's assertions.

Applicants' claim 1 recites, in part:

“....a clamping device adjacent to the output end of the packaging device; and

a conveying system downstream from the clamping device, the conveying system moving a drop off tray incrementally,

wherein the clamping device holds one of a plurality of packaged sequenced products such that the drop off tray is in a position to stack multiple packaged sequenced products of the plurality of packaged sequenced products into the drop off tray as the drop off tray is moved, incrementally...”

Applicants submit that no proper combination of GOLICZ in view ODENTHAL shows the

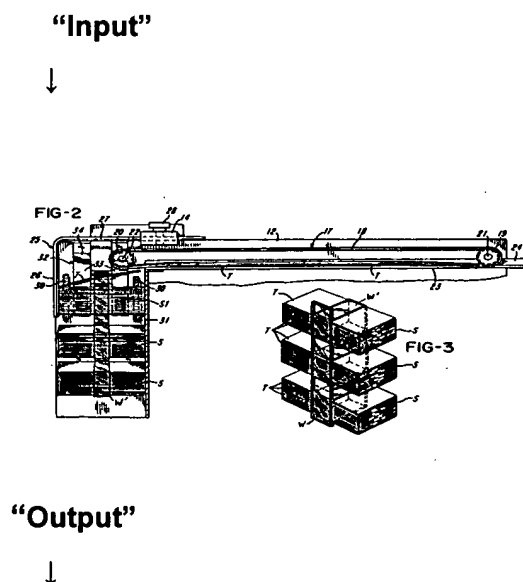
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above features of the claimed invention, as at least recited independent claim 1.

GOLICZ shows a stacking mechanism for tags. The mechanism includes one way frictional strips (30) mounted on frame plate (12) and frame plate (29). The frictional strips (30) allow the tags (T) to descend, but retard any retrograde or upward movement of the tags by downwardly extending fingers (34) attached to upstanding members (33) (Fig. 4 and Col. 2, lines 62-64). GOLICZ shows that a slide (32) is mounted to frame plates (12, 29) for reciprocating vertical movement, starting at an original position (Fig. 4) and is moved to a position (Fig. 5) to move the stack (S) to the banding station (S2). The fingers (34) are designed to apply pressure to the stack of tags (T) from a top position of the stack, e.g., in pout side of the stack. See Col. 2, lines 53-58.

However, GOLICZ shows the extending fingers (34) at an input end of the packaging device, and contrary to Applicant's independent claim 1, *a clamping device adjacent to the output end of the packaging device*. In fact, GOLICZ recites:

"...Conveyor 17 includes an endless belt 18 that delivers stacks S to banding station S2. (See Col. 2, lines 27-37.) Each member 33 has a downwardly extending finger 34, such that the fingers 34 move the next stack S downwardly to the FIG. 5 position..." (See Col. 3, lines 66-68.) Slide 32 is mounted to frame plates 12 and 29 for reciprocating vertical movement. The vertical arrows in FIG. 5 indicate the direction in which the stack S has moved..." See (Col. 2, line 63 to Col. 3, line 8.)



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As discussed above, and contrary to the Examiner's assertions, GOLICZ clearly shows the fingers (34) at an input end of the packaging device, and not as Applicants' independent claim 1 recites, a clamping device adjacent to the output end of the packaging device.

ODENTHAL shows an input conveyor (5) for delivering packages (1), one at a time, at regular intervals and at a constant input speed (V_i) to a transfer station (21) and an output conveyor (6) (Fig. 1 and Col. 32-37). The individual products are then stacked into containers (4), which are transported on a belt (11). Nothing in ODENTHAL shows a *clamping device adjacent to the output end of the packaging device*, as at least recited in independent claim 1.

Applicants further note that GOLICZ shows a slide 32 having two sets of upstanding members 33, such that slide 32 is mounted to frame plates (12, 29) for reciprocating vertical movement, starting at an original position (Fig. 4) and is moved to a position (Fig. 5) to move the stack (S) to the banding station (S2), wherein bristles or strips 30 prevent the tags from moving upward or downward. See Col. 2, lines 53-58. Thus, Applicants submit that GOLICZ does not show the conveying system moving a drop off tray incrementally, as claimed in Applicant's invention. In fact, it would appear once the stack has been banded, the stack merely falls downward via gravity after passing the strips 30.

Because neither GOLICZ nor ODENTHAL teach or suggest the above-noted features of the invention, Applicants submit that no proper combination of these documents can render obvious the present invention.

Further, Applicants note that ODENTHAL shows an input conveyor (5) for delivering packages (1), one at a time, at regular intervals and at a constant input speed (V_i) to a transfer station (21) and an output conveyor (6) (Fig. 1 and Col. 32-37). The individual products are then stacked into containers (4), which are transported on a belt (11). The input conveyor (5) is only able to accommodate one product at a time, and conveys via a transfer station (21) to an output conveyor (6). The input conveyor (5) and output conveyor (6) are synchronized by a controller (15). (Fig. 1 and Col. 4, lines 5-9). Once the sensor (16) has counted a certain number of packages (1), the controller switches the output conveyor (6) from a low stacking speed to a high gapping speed to form a space (12) on

the output conveyor (6) between succeeding groups of packages (1) (see Col. 4, lines 14-19).

In view of the foregoing, Applicants respectfully disagree with the Examiner's assertions that ODENTHAL can obviously modify GOLICZ to render unpatentable Applicants' invention. As previously set forth, no proper combination of GOLICZ and ODENTHAL shows all the features of the claimed invention. Moreover, in ODENTHAL, an input conveyor (5) delivers packages (1) one at a time at regular intervals and at a constant input speed (V_i) to a transfer station (21) and an output conveyor (6), whereas GOLICZ stacks individual items to a predetermined length, and then begins a new stack. Thus, it is unclear how one skilled in the art would modify GOLICZ, which utilizes a clamping device 32 to hold the stacks, with the conveyor of ODENTHAL, which requires corresponding conveyor speed in item discharge to stack the items. Nothing in GOLICZ or ODENTHAL teaches or suggests making the modifications asserted by the Examiner.

Moreover, the only reason for modifying GOLICZ in the manner asserted by the Examiner is found in Applicants' own disclosure. Accordingly, Applicants submit that the Examiner's assertions are improper, and that the Examiner has used impermissible hindsight to combine the GOLICZ and ODENTHAL references.

For these further reasons, Applicants submit that no proper combination of these documents can render obvious the present invention.

Dependent Claims

The Examiner asserts for claim 2, that it would have been an obvious matter of design choice to provide the product as mail pieces, since GOLICZ teaches a system for packaging flat products. Applicants traverse the Examiner's assertions. Basically, using non-mail products does require the need for sequencing. Furthermore, GOLICZ teaches tags of similar size and shape, where pieces of mail are not uniform and can be of different size and shape. Moreover, the GOLICZ packaging system does not sequence products, nor operate with different sized and shaped products, such the GOLICZ packaging system could not operate using mail as the product. Likewise, ODENTHAL only discloses similarly sited packages for processing.

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The Examiner asserts that GOLICZ discloses the teaching of claims 5 and 9. However, GOLICZ does not show each of the adjacent packaged sequenced products remaining connected to one another (see page 5 of the Office Action). Nor does GOLICZ show a serrating. The Examiner's attention is directed to GOLICZ (Col. 1, lines 63-65), which discloses a device for banding stacks of tags into an easy-to-use series of detachably connected stacks. GOLICZ discloses using a knife to cut the wrap, such that the wrap cuts when each individual stack exits the packaging device. GOLICZ simply does not teach or suggest the Examiner's assertions, but rather discloses a series of detachable connected stacks. The Examiner has not asserted the above noted features are disclosed by ODENTHAL, such that no proper combination discloses the above noted combination of features.

The Examiner asserts that ODENTHAL discloses the teaching of claim 9. However, ODENTHAL does not show a clamping device holding each of the plurality of packaged sequenced products at a predetermined height prior to dropping into the drop off tray such that the each of the plurality of packaged sequenced products does not hit an end of the drop off tray. The Examiner did not refer to any particular section within ODENTHAL that shows the features of claim 9. In fact, after Applicant's review of the entire document of ODENTHAL, nothing in ODENTHAL discloses the above-noted features of claim 9. ODENTHAL simply does not teach or suggest the Examiner's assertions, rather discloses merely stacking the products 1. See Figures 1-2 and Col. 3, line 33-40 and Col. 4, lines 1-19.

The Examiner also asserts that ODENTHAL discloses the features of claims 7 and 10. ODENTHAL shows a controller (15) connected to a sensor (16) provided upstream of the transfer station (21) to detect and count the packages (1) as they pass from the input conveyor (5) to the output conveyor (6) (Fig. 1 and Col. 4, lines 5-9). Once the sensor (16) has counted the packages (1), a group has been formed and the controller switches the output conveyor (6) from the low stacking speed to the high gapping speed to form the space (12) on the output conveyor (6) between succeeding groups of packages (1) (Col. 4, lines 14-19). The ODENTHAL device only has one group size and no multiple group sizing. The ODENTHAL device only detects and counts the packages, and does not move

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the packages for the purpose of automatically stacking a plurality of packaged sequenced products into a tray. Similarly, GOLICZ does not show the above-noted features, such that no combination of these documents renders unpatentable the claimed invention.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-17 under 35 U.S.C. §103(a) and indicate that these claim are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue.

Respectfully submitted,
Robert Ricci et al.

A handwritten signature in black ink, appearing to be 'Andrew M. Calderon', with a stylized, cursive script.

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AMENDMENT TO THE DRAWINGS

Attached as an Appendix hereto are five (5) replacement sheets for figures 2-6, without any markings. The changes to the drawings are explained below, in the "REMARKS" section. All of the drawings on the replacement sheet, as originally filed, are provided herein. The header of each revised drawing sheet includes the following information: (i) "Replacement Sheet", (ii) application number and (iii) date information. The Examiner is requested to provide an approval of these replacement sheets in the next Office Action.